

REMARKS

Applicants thank the Examiner for participating in the interview held on June 6 and 12, 2007. The above amendment of claim 1 was discussed and Applicant presented arguments why the present subject matter is not anticipated by, or obvious in view of, the reference relied on in the office action. It was agreed that the rejection based on the reference would be withdrawn. The current rejection under § 112 was discussed. The Examiner also mentioned a possible obviousness-type double-patenting rejection over a pending application (10/661,748) owned by a common assignee.

Applicants request that the Examiner initial and return the Form 1449 filed on June 2, 2005 (listing one reference, U.S. Published Patent Application 20050033803).

In response to the office action dated February 22, 2007, Applicants are amending claims 1, 23, 24 and 36. As such, claims 1-46 are pending, of which claims 1 and 23 are independent. Applicants submit that claims 1-46 are in condition for allowance.

Independent claims 1 and 23 are being amended to state the claimed subject matter more precisely. Particularly, the claims now state that the search query is entered by a user, that the first article is determined as being responsive to the search query, and that the search result is output in response to the search query and that the first article is ranked using the first ranking score. Support for these amendments is found throughout the present specification, for example in the description of FIG. 1. Specification paragraphs 0013-0029. No new matter is added.

Rejection Under Section 112

Claims 1 and 23 were rejected under § 112, second paragraph, as allegedly being indefinite due to the phrases "first article" and "population signal". The office action stated that "the examiner recommends that the applicants kindly amend the claim limitations to recite 'wherein' the first article and population signal are these particular data items." Office action, pages 2-3. This rejection is traversed.

In the interview, it was agreed that the term "first article" needed no further explanation in view of the previous discussions. For the term "population signal", the Examiner requested

that Applicants include with their response some comments on this term, with references to the disclosure where applicable. Applicants submit these comments:

This paragraph includes examples from the present disclosure. Figure 1 shows a population signal 128 and the specification states: "The population processor 138 determines or otherwise measures a population signal such as a population signal 128 that reflects or otherwise corresponds to a population associated with a user 112a-n." Specification para. 0022. The specification states that: "Examples of populations with which users are associated can include, but are not limited to, a gender, a demographic, an ethnicity, a continent, a region, a country, a state, a county, or a city." Specification para. 0025. The specification states that: "The population signal indicates a rating or score for the article of interest, and this rating or score reflects the relative interest of those in the same population group as the searching user." Specification para. 0060.

Applicants submit that claims 1 and 23, including the terms "first article" and "population signal", are definite, and request that the rejection under § 112 be withdrawn.

Rejection Under Section 102

Claims 1-46 were rejected under § 102(e) as allegedly being anticipated by U.S. 6,928,392 (*Nickerson*). This rejection is rendered moot by the above amendments, but Applicants are not conceding that the rejection has merit. Moreover, the Examiner agreed in the interview that the rejection based on *Nickerson* would be withdrawn. As such, Applicants request that the rejection be withdrawn as agreed.

Conclusion

Claims 1-46 are believed to be in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or

Applicant : Tong et al.
Serial No. : 10/661,741
Filed : September 12, 2003
Page : 11 of 11

Attorney's Docket No.: 16113-325001 / GP-134-01-US

other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

6/22/07



J. Richard Soderberg
Reg. No. 43,352

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696